

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

DALE W. MILLER,

Defendant.

24-CR-87-LJV-JJM
DECISION & ORDER

1. On July 12, 2024, the defendant, Dale W. Miller, pleaded guilty to Count 1 of the Information charging a violation of Title 21, United States Code, Section 841(a)(1) (distribution of methamphetamine). Docket Item 23.

2. On July 12, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 25.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 25), the plea agreement (Docket Item 23), the information (Docket Item 22), a transcript of the plea proceeding (Docket Item 26), and the applicable law. This Court finds no legal or factual error in Judge McCarthy's Report & Recommendation and therefore adopts Judge McCarthy's recommendation that the

defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the information.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's July 12, 2024 Report & Recommendation, Docket Item 25, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Dale W. Miller is now adjudged guilty under Title 21, United States Code, Section 841(a)(1).

SO ORDERED.

Dated: August 16, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE